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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/976,059

10/15/2001

Chris M. Farnet

3019-US

1661

7590

03/10/2005

Ywe J. Looper  
ECOPIA BIOSCIENCES INC.  
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CANADA

EXAMINER

KERR, KATHLEEN M

ART UNIT

PAPER NUMBER

1652

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20030303

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment filed on February 10, 2005 containing a sequence listing is considered non-responsive to the Office communication mailed on September 9, 2004 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules and/or Raw Sequence Listing Error Report. Applicant must comply with the requirements of the sequence rules (37 C.F.R. ' 1.821 - 1.825) before the application can be examined under 35 U.S.C. § 131 and 132.

The sequence listing is defective for the reasons cited in the attached raw sequence listing error report.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 C.F.R. ' 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 C.F.R. ' 1.821 - 1.825) in order to avoid abandonment of the application under 37 C.F.R. ' 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. ' 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (571) 272-0931. The examiner can normally be reached on Monday through Friday, from 9:00am to 6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Kathleen M Kerr  
Primary Examiner  
Art Unit: 1652

## **STIC Biotechnology Systems Branch**

### **RAW SEQUENCE LISTING** **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

09/976,059B

Source:

FW16

Date Processed by STIC:

2-15-05

**THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.**

**PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:**

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

**FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221**

**TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:**

**<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>**

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

# Raw Sequence Listing Error Summary

## ERROR DETECTED

## SUGGESTED CORRECTION

SERIAL NUMBER

09/976/059B

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

1. Wrapped Nucleics  
Wrapped Aminos

The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .5; this will prevent "wrapping."

2. Invalid Line Length

The rules require that a line not exceed 72 characters in length. This includes white spaces.

3. Misaligned Amino  
Numbering

The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.

4. Non-ASCII

The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.

5. Variable Length

Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>.<223> section that some may be missing.

6. PatentIn 2.0  
"bug"

A "bug" in PatentIn version 2.0 has caused the <220>.<223> section to be missing from amino acid sequences(s). Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>.<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>.<223> sections for Artificial or Unknown sequences.

7. Skipped Sequences  
(OLD RULES)

Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO X (insert SEQ ID NO where "X" is shown)  
(i) SEQUENCE CHARACTERISTICS (Do not insert any subheadings under this heading)  
(ii) SEQUENCE DESCRIPTION SEQ ID NO X (insert SEQ ID NO where "X" is shown)  
This sequence is intentionally skipped

Please also adjust the "(iii) NUMBER OF SEQUENCES" response to include the skipped sequences.

8. Skipped Sequences  
(NEW RULES)

Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:  
<210> sequence id number  
<400> sequence id number  
000

9. Use of n's or Xaa's  
(NEW RULES)

Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Per 1.823 of Sequence Rules, use of <220>.<223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

10. Invalid <21>  
Response

Per 1.823 of Sequence Rules, the only valid <21> responses are Unknown, Artificial Sequence, or scientific name (Genus/species). <220>.<223> section is required when <21> response is Unknown, Artificial Sequence.

11. Use of <220>

Sequence(s) missing in <220> section and associated numeric identifiers and responses.  
Use of <220> to <223> is MANDATORY if <21> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," Oct 01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)

12. PatentIn 2.0  
"bug"

Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.

13. Misuse of n/Xaa

"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid.



IFW16 IFV

## RAW SEQUENCE LISTING

DATE: 02/15/2005

PATENT APPLICATION: US/09/976,059B

TIME: 07:48:04

Input Set : A:\3002-2US Sequ List AMENDED Dec 2004.ST25.txt

Output Set: N:\CRF4\02152005\I976059B.raw

3 <110> APPLICANT: Farnet, Chris  
 4       Zazopoulos, Emmanuel  
 5       Staffa, Alfredo  
 7 <120> TITLE OF INVENTION: GENE CLUSTER FOR RAMOPLANIN BIOSYNTHESIS  
 9 <130> FILE REFERENCE: 3002-2US  
 11 <140> CURRENT APPLICATION NUMBER: US 09/976,059B  
 > 12 <141> CURRENT FILING DATE: 2001-10-15  
 14 <150> PRIOR APPLICATION NUMBER: US 60/239,924  
 15 <151> PRIOR FILING DATE: 2000-10-13  
 17 <160> NUMBER OF SEQ ID NOS: 46  
 19 <170> SOFTWARE: PatentIn version 3.0

## DROPPED SEQUENCES

9735 <210> SEQ ID NO: 46  
 9736 <211> LENGTH: 30  
 9737 <212> TYPE: DNA  
 9738 <213> ORGANISM: unknown  
 9740 <220> FEATURE:  
 9741 <223> OTHER INFORMATION: unknown  
 9743 <400> SEQUENCE: 46  
 9744 cacacatcga tgggcaacgc cgatcagccg  
 > 9747 160

Does Not Comply  
 Corrected Diskette Needed

(p5.1-2)@

Invalid  
 Response

30

See item #11  
 on error summary  
 sheet

09/976,059B

Page 2

<210> 44

<211> 7

<212> ~~DNA~~

<213> unknown

<220>

<223> (X) may be replaced by any amino acid

<220>

<221>

<222> (1) .. (7)

<223> unknown

<400> 44

His His Xaa Xaa Xaa Asp Gly

1

5

<210> 45

<211> 31

<212> DNA

<213> unknown

<220>

<223> unknown

<400> 45

cacacagaat tcaccagcgc cactcgcgct t

Pls explain source

OF genetic  
material.

See item  
#11 on  
error  
summary  
sheet.

same  
error

↑ FYI:

IF <213> response is  
Artificial OR Unknown,  
please explain source of  
genetic material in section  
<220>-<223>.

## VERIFICATION SUMMARY

DATE: 02/15/2005

PATENT APPLICATION: US/09/976,059B

TIME: 07:48:05

Input Set : A:\3002-2US Sequ List AMENDED Dec 2004.ST25.txt

Output Set: N:\CRF4\02152005\I976059B.raw

2 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
713 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:44  
720 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:44 after pos.:0  
747 M:254 E: No. of Bases conflict, this line has no nucleotides. ✓